

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Patrick Suschak
Christina Suschak
Debtor(s)

Bankruptcy Case No.: 19-20402-CMB
2/25/2021
Chapter: 13
Docket No.: 56 – 47, 48
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated 12/22/2020 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,880.00 as of 3/2021. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: Fee application needed if any fee (including retainer) exceeds \$4,000 including any fees paid to prior counsel. American Honda (Cl #4): prior payments were proper and are ratified.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.


B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: February 26, 2021

cc: All Parties in Interest to be served by Clerk in seven (7) days

In re:
Patrick Suschak
Christina Suschak
Debtors

Case No. 19-20402-CMB
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Feb 26, 2021

User: dsaw
Form ID: 149

Page 1 of 3
Total Noticed: 52

The following symbols are used throughout this certificate:

| Symbol | Definition |
|--------|---|
| + | Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP. |
| ++ | Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.P.2002(g)(4). |
| # | Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately. |
| ## | Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable. |

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 28, 2021:

| Recip ID | Recipient Name and Address |
|----------|---|
| db | #+ Patrick Suschak, 712 Chestnut Street, Latrobe, PA 15650-2004 |
| jdb | #+ Christina Suschak, 712 Chestnut Street, Latrobe, PA 15650-2004 |
| cr | ECMC, P.O. BOX 16408, ST. PAUL, MN 55116-0408 |
| 14987052 | AES/BHEA - US Bank, P. O. Box 61047, Harrisburg, PA 17106-1047 |
| 14987053 | ++ AMERICAN HONDA FINANCE, P O BOX 168088, IRVING TX 75016-8088 address filed with court:, American Honda Finance Corporation, 201 Little Falls Drive, Wilmington, DE 19808 |
| 15013787 | Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701 |
| 14987058 | Chrysler Capital, P.O. Box 9612795, Ft. Worth, TX 76161 |
| 14987059 | + Citicards CBNA, 701 E. 60th St. N, Sioux Falls, SD 57104-0432 |
| 15031866 | Credit First NA, PO Box 818011, Cleveland, OH 44181-8011 |
| 14987064 | Credit First, N.A., P.O. Box 81083, Cleveland, OH 44181-1344 |
| 14987074 | ++ DSNB MACY S, CITIBANK, 1000 TECHNOLOGY DRIVE MS 777, O FALLON MO 63368-2222 address filed with court:, Macy's, P. O. Box 8218, Mason, OH 45040 |
| 15155764 | Educational Credit Management Corporation, PO BOX 16408, St. Paul MN 55116-0408 |
| 14987067 | + Excelsa Health CarePayment, 9600 SW Nimbus Avenue, Suite 260, Beaverton, OR 97008-7386 |
| 14987068 | + Excelsa health Medical Group, 532 West Pittsburgh Street, Greensburg, PA 15601-2239 |
| 14987069 | + Freedom Mortgage, P.O. Box 50248, Indianapolis, IN 46250-0248 |
| 15008896 | + Freedom Mortgage Corporation, Bankruptcy Department, 10500 Kincaid Drive, Suite 300, Fishers, IN 46037-9764 |
| 14987072 | Latrobe Hospital, One Mellon Way, Latrobe, PA 15650-1197 |
| 15013776 | + Mariner Finance, LLC, 8211 Town Center Dr., Nottingham, MD 21236-5904 |
| 14987075 | + Mohela/U.S. Department of Education, 633 Spirit Drive, Chesterfield, MO 63005-1243 |
| 15000990 | + PHEAA, PO Box 8147, Harrisburg, PA 17105-8147 |
| 14987076 | + Patrick William Suschak, 1360 Ross Mountain Park Road, New Florence, PA 15944-2240 |
| 15002288 | + Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Avenue, Pittsburgh, PA 15233-1828 |
| 14987078 | + Sybchrony Bank/Old Navy, P. O. Box 965005, Orlando, FL 32896-5005 |
| 14990381 | + U S Department of Education/MOHELA, 633 Spirit Drive, Chesterfield, MO 63005-1243 |
| 14994748 | Wells Fargo Bank, N.A., Wells Fargo Education Financial Services, PO Box 10438, MAC F8235-02F, Des Moines, IA 50306-0438 |
| 14987082 | + Wells Fargo EFS, P. O. Box 84712, Sioux Falls, SD 57118-4712 |
| 14987083 | + Westmoreland Hospital, 532 West Pittsburgh Street, Greensburg, PA 15601-2282 |
| 14987084 | + Zwicker and Associates, 80 Minutman Road, Andover, MA 01810-1008 |

TOTAL: 28

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

| Recip ID | Notice Type: Email Address | Date/Time | Recipient Name and Address |
|----------|--|----------------------|--|
| 14996600 | Email/Text: ebnbankruptcy@ahm.honda.com | Feb 27 2021 01:51:00 | American Honda Finance Corporation, National Bankruptcy Center, P.O. Box 168088, Irving, TX 75016-8088 |
| 14987055 | + Email/PDF: AIS.cocard.ebn@americaninfosource.com | | |

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Date Rcvd: Feb 26, 2021

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| | | | |
|----------|--|----------------------|---|
| | | Feb 27 2021 01:58:29 | Capital One, P. O. Box 30253, Salt Lake City, UT 84130-0253 |
| 14987054 | + Email/PDF: AIS.cocard.ebn@americaninfosource.com | Feb 27 2021 01:58:29 | Capital One, P. O. Box 30285, Salt Lake City, UT 84130-0285 |
| 14987056 | + Email/PDF: AIS.cocard.ebn@americaninfosource.com | Feb 27 2021 01:58:29 | Capital One Bank (USA), N.A., 4851 Cox Road, Glen Allen, VA 23060-6293 |
| 14998594 | Email/PDF: AIS.cocard.ebn@americaninfosource.com | Feb 27 2021 01:56:30 | Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083, Charlotte, NC 28272-1083 |
| 14987059 | + Email/PDF: Citi.BNC.Correspondence@citi.com | Feb 27 2021 01:54:54 | Citicards CBNA, 701 E. 60th St. N, Sioux Falls, SD 57104-0432 |
| 14987060 | + Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM | Feb 27 2021 01:50:00 | Comenity Bank/ANNTYLR, P. O. Box 182789, Columbus, OH 43218-2789 |
| 14987061 | + Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM | Feb 27 2021 01:50:00 | Comenity Bank/Express, P. O. Box 182789, Columbus, OH 43218-2789 |
| 14987062 | + Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM | Feb 27 2021 01:50:00 | Comenity Bank/Legendary Pin, P.O. Box 182273, Columbus, OH 43218-2273 |
| 14987063 | + Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM | Feb 27 2021 01:50:00 | Comenity Bank/Victoria's Secret, P. O. Box 182789, Columbus, OH 43218-2789 |
| 14987065 | + Email/PDF: creditonebknofications@resurgent.com | Feb 27 2021 01:56:31 | Credit One Bank, P. O. Box 98875, Las Vegas, NV 89193-8875 |
| 14987066 | Email/Text: mrdiscen@discover.com | Feb 27 2021 01:50:00 | Discover Financial Services, P. O. Box 30954, Salt Lake City, UT 84130 |
| 14987074 | Email/PDF: Citi.BNC.Correspondence@citi.com | Feb 27 2021 01:54:44 | Macy's, P. O. Box 8218, Mason, OH 45040 |
| 15031764 | Email/Text: bnc-quantum@quantum3group.com | Feb 27 2021 01:51:00 | Department Stores National Bank, c/o Quantum3 Group LLC, PO Box 657, Kirkland, WA 98083-0657 |
| 14991128 | + Email/Text: DSLBKYP@discover.com | Feb 27 2021 01:51:00 | Discover Student Loans, PO Box 30925, Salt Lake City, UT 84130-0925 |
| 14987057 | Email/PDF: ais.chase.ebn@americaninfosource.com | Feb 27 2021 01:56:28 | Chase Card, P. O. Box 15298, Wilmington, DE 19850 |
| 14987071 | + Email/Text: PBNCNotifications@peritussservices.com | Feb 27 2021 01:50:00 | Kohls/Capital One, P. O. Box 3115, Milwaukee, WI 53201-3115 |
| 14987073 | Email/Text: teller2@lescofcu.com | Feb 27 2021 01:50:00 | Lesco Federal Credit Union, 2613 Ligonier Street, Latrobe, PA 15650 |
| 15021089 | Email/PDF: resurgentbknofications@resurgent.com | Feb 27 2021 01:56:36 | LVNV Funding, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587 |
| 15031594 | Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com | Feb 27 2021 01:54:44 | Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541 |
| 14988501 | + Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com | Feb 27 2021 01:54:44 | PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021 |
| 15027406 | Email/Text: bnc-quantum@quantum3group.com | Feb 27 2021 01:51:00 | Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788 |
| 14987077 | + Email/Text: DSLBKYP@discover.com | Feb 27 2021 01:51:00 | Student Loan Corp, P. O. Box 30948, Salt Lake City, UT 84130-0948 |
| 14987079 | + Email/PDF: gecsed@recoverycorp.com | Feb 27 2021 01:58:26 | Synchrony Bank/JC Penney, P. O. Box 965005, Orlando, FL 32896-5005 |
| 14987080 | + Email/PDF: gecsed@recoverycorp.com | Feb 27 2021 01:56:28 | Synchrony Bank/Toys R Us, P. O. Box 965005, Orlando, FL 32896-5005 |
| 14987081 | + Email/PDF: gecsed@recoverycorp.com | Feb 27 2021 01:58:26 | Synchrony Bank/Walmart, P. O. Box 965024, Orlando, FL 32896-5024 |

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Date Rcvd: Feb 26, 2021

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TOTAL: 26

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

| Recip ID | Bypass Reason | Name and Address |
|----------|---------------|---|
| cr | | FREEDOM MORTGAGE CORPORATION |
| cr | | FREEDOM MORTGAGE CORPORATION |
| cr | *+ | PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021 |
| cr | *+ | Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave., Pittsburgh, PA 15233-1828 |
| 14987070 | ##+ | Jennifer Miller, 537 Virginia Avenue, Ambridge, PA 15003-1661 |

TOTAL: 2 Undeliverable, 2 Duplicate, 1 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 28, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 26, 2021 at the address(es) listed below:

| Name | Email Address |
|-------------------------------------|---|
| Brian Nicholas | on behalf of Creditor FREEDOM MORTGAGE CORPORATION bnicholas@kmlawgroup.com |
| Justin P. Schantz | on behalf of Joint Debtor Christina Suschak jschantz@my-lawyers.us colecchia542@comcast.net;office@my-lawyers.us;sshiple@my-lawyers.us;jmonroe@my-lawyers.us;rjuliano@my-lawyers.us;e kudlock@my-lawyers.us |
| Justin P. Schantz | on behalf of Debtor Patrick Suschak jschantz@my-lawyers.us colecchia542@comcast.net;office@my-lawyers.us;sshiple@my-lawyers.us;jmonroe@my-lawyers.us;rjuliano@my-lawyers.us;e kudlock@my-lawyers.us |
| Office of the United States Trustee | ustpregion03.pi.ecf@usdoj.gov |
| Robert Davidow | on behalf of Creditor FREEDOM MORTGAGE CORPORATION robert.davidow@phelanhallinan.com |
| Ronda J. Winnecour | cmecf@chapter13trusteedpa.com |
| S. James Wallace | on behalf of Creditor Peoples Natural Gas Company LLC ecfpeoples@grblaw.com PNGbankruptcy@peoples-gas.com |
| Thomas Song | on behalf of Creditor FREEDOM MORTGAGE CORPORATION pawb@fedphe.com |

TOTAL: 8